



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 22, 2015

BY ECF

The Honorable James C. Francis, IV
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Nunez v. City of New York*, 11 Civ. 5845 (LTS)(JCF)

Dear Judge Francis:

We write respectfully on behalf of the *Nunez* class-action plaintiffs, the Department of Justice (collectively, “Plaintiffs”) and the City defendants (the “City”) to provide the Court with an update on the status of settlement discussions in the above-referenced civil rights case, in accordance with the Court’s Order dated April 28, 2015 (the “April Order”) (Dkt. No. 200). In our last letter to the Court, we indicated that the parties’ goal was to reach a settlement agreement before Memorial Day. Unfortunately, that goal will not be met.

All parties are committed to reaching a comprehensive, court-enforceable settlement agreement that will result in lasting reform of a deeply troubled institution through the implementation of a range of measures designed to reduce violence in the jails and ensure inmate safety. While we recognize that reaching agreement raises numerous complex operational issues, we believe that it is of paramount importance to finalize this agreement quickly.

For the last several months, the parties have met frequently and on a regular basis in an effort to reach agreement. Plaintiffs’ corrections experts have participated in almost all of these meetings, and the United States Attorney, the Corporation Counsel Zachary Carter, the City’s Commissioner of Correction Joseph Ponte, and key DOC staff members have also attended settlement meetings. This hard work has resulted in significant progress, including in areas Plaintiffs believe to be critical to the resolution of this case. However, the parties have not yet reached agreement in several other areas of great significance to the *Nunez* plaintiffs and the Department of Justice. In each area, we have conferred multiple times, and continue to discuss proposed terms which might satisfy all parties. Upon request, we can provide further details on these remaining areas at the status conference scheduled for June 3. Given that negotiations have been ongoing for several months, all parties are eager to achieve a final, comprehensive framework for lasting reform at Rikers with no further delay.

In recognition of the critical importance of moving forward with the implementation of reforms, the parties have committed to resolving all outstanding issues and reaching a final

agreement, subject to final approvals at appropriate levels of DOJ and City government, respectively, by no later than June 22, 2015. The parties intend to meet several times over the next month to ensure that they meet this deadline. In the event that we do not reach a final, written agreement sufficient to address the alleged constitutional violations by June 22, Plaintiffs will need to assess the possibility of resuming discovery.

Accordingly, all parties respectfully request a final extension of the stay of class-related deadlines until June 22, 2015. All parties also respectfully request a 30-day extension of the deadline for dispositive motions from June 1, 2015, to July 1, 2015. In addition, the Nunez Plaintiffs request that the time to complete expert depositions in the individual damages cases be extended to June 22, 2015, and the City consents to this request.

Respectfully,

PREET BHARARA
United States Attorney

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